CF 2004

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2855 of 2003

1) K.M. Khasnavis
r/o 119, Vivekanand Nagar,
Post : MOPKA,
Dist : Bilaspur

2) P.C. Khasnavis,
r/o Chirimiri Colliery,
Dist : Korea - 497 449

P. R. No. 2644/03
Presented by Shri R.N. Jha Khare Vijay
dated 03.09.03

PETITIONERS

VERSUS

1. South Eastern Coalfields Ltd.
Through its Chairman-cum-Managing Director
Seepat Road,
Bilaspur (CG)

RESPONDENT No.1

2. Chief General Manager
Chirimiri Area
P.O. West Chirimiri Colliery
Dist. Koria (CG)

RESPONDENT No.2

Writ Petition under Article 226 of the Constitution of India

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2855/03 **सन् 200**

(55)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

SINGLE BENCH: -
HON'BLE SHRI SATISH KUMAR AGNIHOTRI, J.

01/07/2005: -

Mr. R.N. Mukhopadhyaya learned counsel for the petitioners.
Mr. Vinod Deshkukh learned counsel for the respondents.

Heard.

The petitioner has filed this petition under Article 226 of the Constitution of India complaining that the respondents have not fixed their pension as per revised pay scale and further the petitioner has been discriminated in case of payment of medical allowances as medical allowances have been paid to other similarly situated employees.

Undisputed facts of the case in narrow compass are that petitioner No.1 retired on superannuation on 01/07/1988 as Office Superintendent and petitioner No.2 retired on 01/02/1989 as Superintendent (Traffic). Payment of the petitioners' salary, allowances and pensions are regulated by the Central Pay Commission. The petitioners have been denied revised pension and medical allowances. According to the petitioners, the medical allowances were granted as per recommendations of the Fifth Pay Commission as under: -

> "**6. Medical Allowance**: - (i) Pensioners residing in an area not covered by CGHS should be given a fixed amount of medical allowances @ Rs.100 per month for meeting the expenditure on day-to-day medical expenses that do not require hospitalization."

The respondents have filed their reply wherein it has been stated that if the petitioners have not ~~been~~ received the monetary benefits of the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

(56)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

revision of pay and pension as per NCWA-IV, the respondents had undertaken and ensured that the fixation of pay of the petitioners as per NCWA-IV shall be settled with the authorities of Central Coalfields Ltd, Darbhanga House, Ranchi and the same shall be settled at the earliest, if it had not yet been done.

Learned counsel appearing for the respondents contends that the medical allowances @ Rs.100/- per month is not payable to the petitioners. In response, learned counsel appearing for the petitioners contends that the other similarly situated employees are paid medical allowances as per recommendations of the Fifth Pay Commission which is applicable in case of the employees of the respondents.

In view of the undertaking given by the respondents in para 4 of their reply, it is not necessary to go in the question of payment and fixation of pension on the basis of revised pay scales. The respondents are directed to settle the payment as expeditiously as possible preferably within a period of one month as the petitioners are retired long back in July 1988 and February 1989. The respondents have to pay medical allowances also as there is a clear recommendations of the Fifth Pay Commission which have been accepted by the respondents for the purpose of payment of salary, pension etc.

In view of the foregoing, the petition is allowed. Parties shall bear their own costs.

Sd/-
Satish K. Agnihotri
Judge

Brajesh